



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MAY 23, 2006

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

6:00 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: *P* *P* *P* *P* *P* *P* *P*
Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer

AGENDA APPROVAL

A MOTION WAS MADE BY RAY SECONDED BY SCANDURA TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF MAY 23, 2006, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer

NOES: None

ABSENT: None

ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS) - NONE

B. STUDY SESSION ITEMS

B-1. PROJECT REVIEW PROCESS – Commissioner Ray

Ray reviewed the item and some minor changes in language stating that the intent of the Commission is to improve the current process by making it more streamlined and easier for the public to use.

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) - NONE

D. PLANNING COMMISSION COMMITTEE REPORTS:

Commissioner Livengood stated that the Design Review Board had approved the Pacific City Project on May 18, 2006.

Chair Dingwall requested a Study Session presentation be scheduled with the Design Review Board on the Pacific City Project in order to review the new design.

Commissioner Scandura reported that the next Quarterly School District meeting is tentatively scheduled for late September, 2006.

Commissioner Ray reported on the Project Review Committee meeting of May 9, 2006.

E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting):

Mike Adams, Planning Consultant, professed his support of the Project Review Process Committee and asked the Planning Commission to approve the process tonight.

F. PLANNING COMMISSION COMMENTS:

Commissioner Horgan reported on her and Commissioner Burnett's attendance at the May 3rd joint City Council and Economic Development meeting at the 3rd Street Promenade in Santa Monica. She reported on Green Building/Development and urged that the topic be placed on the Planning Commission Workshop agenda.

Commissioner Burnett also reported on the May 3rd meeting. She also asked to have the issue of Green Building/Development be placed on the Planning Commission Workshop agenda.

Commissioner Livengood requested that a draft agenda be prepared and sent to staff on the Planning Commission Workshop.

Commissioner Ray reported on his role as Chair of the Green Building Environmental Coalition for the Irvine Great Park and the role of Green Building/Development.

Chair Dingwall reported that he would work with staff in preparing the Planning Commission Workshop agenda for discussion at the meeting of June 13th.

6:20 P.M. – RECESS FOR DINNER

7:05 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Chair Dingwall

ROLL CALL: *P* *P* *P* *P* *P* *P* *P*
Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY BURNETT, TO APPROVE THE PLANNING COMMISSION AGENDA OF MAY 23, 2006, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS

PROCEDURE: Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

B-1. REVOCATION OF CONDITIONAL USE PERMIT NO. 05-08 (LE PETIT PARIS DANCING): **Applicant:** Vu Tran **Request:** To consider the revocation of Conditional Use Permit No. 05-08, which permitted dancing (140 sq. ft. dance floor) and a one-space reduction in required parking at an existing dining/nightclub establishment. **Location:** 10142 Adams Avenue (southeast of the Adams Avenue/Brookhurst Street intersection). **Project Planner:** Ron Santos

STAFF RECOMMENDATION: Motion to: "Revoke Conditional Use Permit No. 05-08 with findings for revocation."

The Commission made the following disclosures:

- Commissioner Dwyer visited the exterior of the site.
- Commissioner Scandura visited the site and spoke with staff.
- Chair Dingwall stated he spoke with staff.
- Commissioner Horgan visited the exterior of the site.
- Commissioner Ray visited the exterior of the site and spoke with staff.
- Commissioner Livengood visited the site and spoke with staff.
- Commissioner Burnett visited the exterior of the site.

Ron Santos, Associate Planner, gave a Powerpoint presentation reviewing the background on the Le Petit Paris establishment. Issues addressed were violations of the Conditional Use Permit No. 05-08; Fire and Police Inspection reports; the Entertainment Permit issued by the Police Department; and the lack of a current Certificate of Occupancy.

Commissioner Dwyer asked if the business was no longer in operation. Staff stated they were recently advised it had closed due to management issues.

Horgan asked about any problems or complaints after 2002? Staff advised the Entertainment Permit had been revoked in 2004 and re-issued in 2005.

Ray questioned whether the applicant had contacted the Planning Department and what type of notifications had been made to him. Staff advised appropriate notifications had been made.

Chief Small and Fire Marshal Engberg both stated officers had recently visited the business and found it closed.

Santos advised that a dance floor delineation plan and certificate of occupancy application had been received at the Planning Counter the day prior (May 22, 2006). He was unaware of who had dropped it off and no determination of compliance had been made on the request.

Livengood asked for a timeline of permit suspensions.

Chief Small stated that in June 2004, the Entertainment Permit was revoked due to numerous civil citations and multiple police calls for service; in June 2005 it was renewed; in November 2005, the dancing CUP was added; and on June 1, 2006, the Entertainment Permit will expire. To date a renewal application has not been submitted.

Discussion ensued between the Commissioners and staff regarding building codes, reapplication of the entertainment permit and revocation of the 1998 CUP.

THE PUBLIC HEARING WAS OPENED

WITH NO ONE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Scandura commended the Planning staff, Police Department and Fire Department on their preparation of the report. He suggested listing all violations in the findings for revocation.

Dingwall agreed and professed his concern regarding the lack of attention to the fire violations by the applicant.

**A MOTION WAS MADE BY DWYER, SECONDED BY HORGAN TO REVOKE
CONDITIONAL USE PERMIT NO. 05-08 WITH MODIFIED FINDINGS. ACTION WAS
TAKEN BY THE FOLLOWING VOTE:**

AYES:	Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES:	None
ABSENT:	None
ABSTAIN:	None

MOTION PASSED

FINDINGS FOR REVOCATION -
CONDITIONAL USE PERMIT NO. 05-08

1. Conditional Use Permit No. 05-08 to permit a 140 sq. ft. dance floor and a one-space reduction in required parking in conjunction with an existing restaurant (La Petit Paris) was issued on the basis of erroneous or misleading information or misrepresentation. The applicant's written project narrative and testimony presented to the Planning Commission at the October 11, 2005 hearing represented that the majority of dancing at the establishment would consist of some form of ballroom dancing and that the functions involving dancing would be primarily limited to swing dancing lessons, birthday parties, wedding receptions and anniversary celebrations. Inspections by City staff and promotional flyers obtained during those inspections indicate that the establishment has operated and had intended to operate as a nightclub with unrestricted dancing and unauthorized live entertainment.
2. The terms or conditions of approval of Conditional Use Permit No. 05-08 for a 140 sq. ft. dance floor and a one-space reduction in required parking in conjunction with an existing restaurant (La Petit Paris) and other laws or provisions have been violated. Inspections conducted by Fire Department and Police Department personnel document numerous violations of Conditional Use Permit No. 05-08, the establishment's Police Department Entertainment Permit, Alcoholic Beverage Control License, and Building and Fire codes, which represent a threat to health and safety and a detriment to surrounding property owners, including the following:

- Failure to post Certificate of Occupancy
- Failure to post room capacity signs
- Obstruction of sprinkler systems
- Dance floor not delineated/ Means of delineation not submitted for approval by Planning Department (Required – Conditional Use Permit)
- Dancing occurring outside of designated area in lounge (Prohibited – Conditional Use Permit/ Entertainment Permit)
- Dancing occurring in dining room (Prohibited – Conditional Use Permit/ Entertainment Permit)
- Music audible at approximate distance of 200-feet from perimeter of establishment (50-foot maximum distance – Entertainment Permit)
- Live entertainment provided in dining room after 9:00 p.m. (Prohibited – Entertainment Permit)
- Three entertainers (1 drummer, 2 dancers) in piano bar area (Limit: 1 entertainer – Entertainment Permit)
- Only one security guard in parking lot (Two security guards required – Entertainment Permit)
- Entertainment occurring after 1:30 a.m. (Prohibited – Entertainment Permit)
- Special event held with outside promoter. (Prohibited – Alcoholic Beverage Control License)
- Cover charge collected from males entering establishment only. (Prohibited – Alcoholic Beverage Control License)
- Occupancy limits exceeded – approximately 450 occupants observed. (250 maximum occupancy – Building/ Fire Code)
- No maximum occupancy signs posted. (Required – Building/ Fire Code)

C. CONSENT CALENDAR:

C-1. PLANNING COMMISSION MINUTES DATED FEBRUARY 28, 2006

RECOMMENDED ACTION: Motion to: “Approve the February 28, 2006, Planning Commission Minutes as submitted.”

A MOTION WAS MADE BY RAY, SECONDED BY LIVENGOD, TO APPROVE THE FEBRUARY 28, 2006, PLANNING COMMISSION MINUTES AS MODIFIED, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED MARCH 14, 2006

RECOMMENDED ACTION: Motion to: "Approve the March 14, 2006, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY RAY, SECONDED BY SCANDURA, TO APPROVE THE MARCH 14, 2006, PLANNING COMMISSION MINUTES AS MODIFIED, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

C-3. PLANNING COMMISSION MINUTES DATED MARCH 28, 2006

RECOMMENDED ACTION: Motion to: "Approve the March 28, 2006, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY HORGAN, SECONDED BY SCANDURA, TO APPROVE THE MARCH 28, 2006, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

C-4. PLANNING COMMISSION MINUTES DATED APRIL 11, 2006

RECOMMENDED ACTION: Motion to: "Approve the April 11, 2006, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY BURNETT, SECONDED BY SCANDURA, TO APPROVE THE APRIL 11, 2006, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS:

D-1. PROJECT REVIEW PROCESS – Commissioner Ray

Commissioner Ray reviewed minor language changes and stated that these changes will delineate how items move through the process.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY RAY, TO APPROVE THE PROJECT REVIEW PROCESS AS SUBMITTED, ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING

Scott Hess, Planning Manager – reported on the items from the previous City Council meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING

Scott Hess, Planning Manager – Advised City Council requested staff provide options for fees of Home Daycare Facilities for the June 5, 2006, meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING

Herb Fauland, Principal Planner – reported on the items scheduled for the next Planning Commission meeting.

Commissioner Ray reminded staff that the Planning Commission Bylaws and Rules were approved at the May 15, 2006, meeting of the City Council.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Burnett – Recommended Commissioners view the last City Council meeting (May 15, 2006) on the City's website. She referenced the Council's discussion and recommendation of timeliness during Planning Commission meetings.

Commissioner Livengood - Suggested having an outline for a Commission workshop ready for the next scheduled meeting on June 13, 2006.

Vice-Chairperson Scandura – Commended the Chair and Commissioners on their conduct in dealing with such a serious issue as revocation of CUP No. 05-08 for Le Petit Paris. He suggested consideration of possible revocation of the CUP issued in 1998 to the same business.

Chairperson Dingwall – Commended Commissioner Ray for the time and effort he put into the Project Review Process.

Commissioner Ray – Questioned Commissioner Burnett on how long the last City Council meeting was and thanked the Commissioners for their participation in the Project Review Process.

Commissioner Horgan – None.

Commissioner Dwyer – Advised he cannot be expected to run a marathon in the time it took for tonight's meeting.

ADJOURNMENT:

Adjourned at 8:10 p.m. to the next regularly scheduled meeting of Tuesday, June 13, 2006.

APPROVED BY:

Howard Zelefsky, Secretary

Robert Dingwall, Chair